

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action and Advisory action, and amended as necessary to more clearly and particularly describe and claim the subject matter that Applicants regard as the invention.

Claims 1–17 remain in this application. Claim 17 has been allowed.

Claims 1–2, 5–7, 12 and 15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Navco (“Model 1700 System Controller Operating Instructions”). Claims 3, 4, 8, 10–11, 13–14 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Navco. For the following reasons, the rejections are respectfully traversed.

Navco does not teach an image recording and reproducing apparatus that takes a multiple picture signal comprised of a series of frames alternating between a plurality of cameras and reproducing m frames and skipping n frames. Specifically, Navco does not teach any signal comprised of such alternating frames that is then reproduced and skipped as recited in the claim.

Claim 1, as amended, recites an image recording and reproducing apparatus for “recording and reproducing a multiple picture signal obtained by multiplexing picture signals from a plurality of cameras via a frame switcher such that said multiple picture signal is comprised of a series of frames alternating between said plurality of cameras” where the apparatus has a skip-reproduction feature for “alternating skipping of n frames of said multiple picture signal and continuous reproduction of m frames of said multiple picture signal” wherein “n is a positive integer, and m is a positive integer related to a frame switching pattern.” Claims 15 and 16, as amended, recite similar limitations.

The Examiner points to the MON chapter, page 1, and the SRT chapter, page 1, of the reference, stating that “n” is “the number of cameras in the sequence minus 1” and “m” is “the number of images recorded from the selected camera,” as determined by the dwell settings. But Navco does not teach creating any *signal* comprised of a series of frames alternating between the plurality of cameras. Even if the Examiner argues that the images displayed on the Monitor are such a signal, there is nothing that is “skipped” m times, because only the image that is currently being “dwelled” upon (by the dwell setting) is part of the signal. When the Navco device switches to the next camera, the new images will then be displayed according to the dwell settings. There are no frames that are a part of a multiplexed

signal that are skipped, as specifically required by the amended claims. Thus the amended claims do not read on the reference.

Accordingly, claims 1, 15 and 16 are patentable over the reference. Claims 2–14, which depend, directly or indirectly, on claim 1, are also patentable over the reference for at least the same reasons as claim 1.

Furthermore, the Examiner has not provided the proper motivation for modifying the reference. The burden is on the Examiner to make a *prima facie* case of obviousness (MPEP § 2142). To support a *prima facie* case of obviousness, the Examiner must show that there is some *suggestion or motivation* to modify the reference (MPEP § 2143.01).

The Examiner has cited no support for any such suggestion or motivation for the modifications from within the reference, and neither does the Examiner provide any references or other prior art supporting any motivation to make the suggested modifications.

Merely listing an advantage or benefit of the combination is not sufficient, as some rationale for combining the references must be found in the references themselves, or drawn from a convincing line of reasoning based on established scientific principles practiced by one skilled in the art that some advantage or beneficial result would be produced by the combination (MPEP § 2144). Such motivation cannot be found in the application itself, as such hindsight is impermissible; the facts must be gleaned from the prior art. (MPEP § 2142, last paragraph).

“To reach a proper determination under 35 U.S.C. 103, the Examiner must step backward in time and into the shoes worn by the hypothetical ‘person of ordinary skill in the art’ when the invention was unknown and just before it was made [and] the Examiner must then make a determination whether the claimed invention ‘*as a whole*’ would have been obvious at that time to that person.” (MPEP § 2142, emphasis added). It is not proper to merely combine various elements from various references. The invention must be obvious “as a whole,” not as a piecemeal combination of elements from various references.

Accordingly, the rejection for obviousness is not supported by the Office Action and thus the rejection is improper, and should be withdrawn.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited

Appn. No. 09/915,850
Amdt. Dated December 12, 2005
Reply to Office Action of July 26, 2005

to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33828.

Respectfully submitted,

PEARNE & GORDON, LLP

By:


Robert F. Bodi – Reg. No. 48,540

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Dated: December 12, 2005